

House Amendment to
Senate File 2378

S-5287

1 Senate File 2378Amend Senate File 2378, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. By striking page 20, line 3, through page 29,
4 line 11, and inserting:
5 <Sec. _____. Section 805.8A, Code Supplement 2009, is
6 amended by striking the section and inserting in lieu
7 thereof the following:
8 **805.8A Motor vehicle and transportation scheduled**
9 **violations.**
10 1. *Parking violations.*
11 a. For parking violations under sections 321.236,
12 321.239, 321.358, 321.360, and 321.361, the scheduled
13 fine is five dollars, except if the local authority has
14 established the fine by ordinance. The scheduled fine
15 for a parking violation pursuant to section 321.236
16 increases by five dollars if authorized by ordinance
17 and if the parking violation is not paid within thirty
18 days of the date upon which the violation occurred.
19 For purposes of calculating the unsecured appearance
20 bond required under section 805.6, the scheduled fine
21 shall be five dollars, or if the amount of the fine is
22 greater than five dollars, the unsecured appearance
23 bond shall be the amount of the fine established by
24 the local authority. However, violations charged
25 by a city or county upon simple notice of a fine
26 instead of a uniform citation and complaint required by
27 section 321.236, subsection 1, paragraph "b", are not
28 scheduled violations, and this section shall not apply
29 to any offense charged in that manner. For a parking
30 violation under section 461A.38, the scheduled fine is
31 ten dollars. For a parking violation under section
32 321.362, the scheduled fine is twenty dollars.
33 b. For a parking violation under section 321L.2A,
34 subsection 2, the scheduled fine is twenty dollars.
35 c. For violations under section 321L.2A, subsection
36 3, sections 321L.3, 321L.4, subsection 2, and section
37 321L.7, the scheduled fine is two hundred dollars.
38 2. *Title and registration violations.* For title or
39 registration violations under the following sections,
40 the scheduled fine is as follows:
41 a. 321.17, \$50.
42 b. 321.25, \$100.
43 c. 321.32, \$20.
44 d. 321.34, \$20.
45 e. 321.37, \$20.
46 f. 321.38, \$20.
47 g. 321.41, \$20.
48 h. 321.45, \$100.
49 i. 321.46, \$100.
50 j. 321.47, \$100.

1 *k.* 321.48, \$100.
 2 *l.* 321.52, \$100.
 3 *m.* 321.55, \$50.
 4 *n.* 321.57, \$100.
 5 *o.* 321.62, \$100.
 6 *p.* 321.67, \$100.
 7 *q.* 321.98, \$50.
 8 *r.* 321.99, \$200.
 9 *s.* 321.104, \$100.
 10 *t.* 321.115, \$30.
 11 *u.* 321.115A, \$30.
 12 3. *Equipment violations.* For equipment violations
 13 under the following sections, the scheduled fine is as
 14 follows:
 15 *a.* 321.234A, \$50.
 16 *b.* 321.247, \$100.
 17 *c.* 321.317, \$20.
 18 *d.* 321.381, \$100.
 19 *e.* 321.381A, \$100.
 20 *f.* 321.382, \$25.
 21 *g.* 321.383, \$30.
 22 *h.* 321.384, \$30.
 23 *i.* 321.385, \$30.
 24 *j.* 321.386, \$30.
 25 *k.* 321.387, \$20.
 26 *l.* 321.388, \$20.
 27 *m.* 321.389, \$20.
 28 *n.* 321.390, \$20.
 29 *o.* 321.392, \$20.
 30 *p.* 321.393, \$20.
 31 *q.* 321.398, \$30.
 32 *r.* 321.402, \$30.
 33 *s.* 321.403, \$30.
 34 *t.* 321.404, \$30.
 35 *u.* 321.404A, \$25.
 36 *v.* 321.409, \$30.
 37 *w.* 321.415, \$30.
 38 *x.* 321.419, \$30.
 39 *y.* 321.420, \$30.
 40 *z.* 321.421, \$30.
 41 *aa.* 321.422, \$20.
 42 *ab.* 321.423, \$30.
 43 *ac.* 321.430, \$100.
 44 *ad.* 321.432, \$20.
 45 *ae.* 321.433, \$30.
 46 *af.* 321.436, \$20.
 47 *ag.* 321.437, for improperly used or nonused, or
 48 defective or improper equipment, other than brakes,
 49 driving lights, and brake lights, \$20.
 50 *ah.* 321.438, \$50.

1 *ai.* 321.439, \$20.
2 *aj.* 321.440, \$20.
3 *ak.* 321.441, \$20.
4 *al.* 321.442, \$20.
5 *am.* 321.444, \$20.
6 4. *Driver's license violations.* For driver's
7 license violations under the following sections, the
8 scheduled violation is as follows:
9 *a.* 321.174, \$200.
10 *b.* 321.174A, \$50.
11 *c.* 321.180, \$50.
12 *d.* 321.180B, \$50.
13 *e.* 321.193, \$50.
14 *f.* 321.194, \$50.
15 *g.* 321.216, \$100.
16 *h.* 321.216B, \$200.
17 *i.* 321.216C, \$200.
18 *j.* 321.219, \$200.
19 *k.* 321.220, \$200.
20 5. *Speed violations.*
21 *a.* For excessive speed violations in excess of the
22 limit under section 321.236, subsections 5 and 11,
23 sections 321.285, and 461A.36, the scheduled fine shall
24 be the following:
25 (1) Twenty dollars for speed not more than five
26 miles per hour in excess of the limit.
27 (2) Forty dollars for speed greater than five but
28 not more than ten miles per hour in excess of the
29 limit.
30 (3) Eighty dollars for speed greater than ten but
31 not more than fifteen miles per hour in excess of the
32 limit.
33 (4) Ninety dollars for speed greater than fifteen
34 but not more than twenty miles per hour in excess of
35 the limit.
36 (5) One hundred dollars plus five dollars for each
37 mile per hour of excessive speed over twenty miles per
38 hour over the limit.
39 *b.* Notwithstanding paragraph "a", for excessive
40 speed violations in speed zones greater than fifty-five
41 miles per hour, the scheduled fine shall be:
42 (1) Twenty dollars for speed not more than five
43 miles per hour in excess of the limit.
44 (2) Forty dollars for speed greater than five but
45 not more than ten miles per hour in excess of the
46 limit.
47 (3) Eighty dollars for speed greater than ten but
48 not more than fifteen miles per hour in excess of the
49 limit.
50 (4) Ninety dollars for speed greater than fifteen

1 but not more than twenty miles per hour in excess of
2 the limit.

3 (5) One hundred dollars plus five dollars for each
4 mile per hour of excessive speed over twenty miles per
5 hour over the limit.

6 c. Excessive speed in whatever amount by a school
7 bus is not a scheduled violation under any section
8 listed in this subsection.

9 d. Excessive speed in conjunction with a violation
10 of section 321.278 is not a scheduled violation,
11 whatever the amount of excess speed.

12 e. For a violation under section 321.295, the
13 scheduled fine is fifty dollars.

14 6. *Operating violations.* For operating violations
15 under the following sections, the scheduled violation
16 is as follows:

17 a. 321.236, subsections 3, 4, 9, and 12, \$20.
18 b. 321.275, subsections 1 through 7, \$35.
19 c. 321.277A, \$35.
20 d. 321.288, \$100.
21 e. 321.297, \$100.
22 f. 321.299, \$100.
23 g. 321.302, \$100.
24 h. 321.303, \$100.
25 i. 321.304, subsections 1 and 2, \$100.
26 j. 321.305, \$100.
27 k. 321.306, \$100.
28 l. 321.311, \$100.
29 m. 321.312, \$100.
30 n. 321.314, \$100.
31 o. 321.315, \$35.
32 p. 321.316, \$35.
33 q. 321.318, \$35.
34 r. 321.323, \$100.
35 s. 321.340, \$100.
36 t. 321.353, \$100.
37 u. 321.354, \$100.
38 v. 321.363, \$35.
39 w. 321.365, \$35.
40 x. 321.366, \$100.
41 y. 321.395, \$100.

42 7. *Failure to yield or obey violations.* For failure
43 to yield or obey violations under the following
44 sections, the scheduled violation is as follows:

45 a. 321.257, subsection 2, for a violation by an
46 operator of a motor vehicle, \$100.
47 b. 321.298, \$100.
48 c. 321.307, \$100.
49 d. 321.308, \$100.
50 e. 321.313, \$100.

1 *f.* 321.319, \$100.
2 *g.* 321.320, \$100.
3 *h.* 321.321, \$100.
4 *i.* 321.327, \$100.
5 *j.* 321.329, \$100.
6 *k.* 321.333, \$100.
7 8. *Traffic sign or signal violations.* For traffic
8 sign or signal violations under the following sections,
9 the scheduled violation is as follows:
10 *a.* 321.236, subsections 2 and 6, \$35.
11 *b.* 321.256, \$100.
12 *c.* 321.294, \$100.
13 *d.* 321.304, subsection 3, \$100.
14 *e.* 321.322, \$100.
15 9. *Bicycle or pedestrian violations.* For bicycle
16 or pedestrian violations under the following sections,
17 the scheduled fine for a pedestrian or bicyclist is as
18 follows:
19 *a.* 321.234, subsections 3 and 4, \$25.
20 *b.* 321.236, subsection 10, \$15.
21 *c.* 321.257, subsection 2, \$25.
22 *d.* 321.275, subsection 8, \$25.
23 *e.* 321.325, \$25.
24 *f.* 321.326, \$25.
25 *g.* 321.328, \$25.
26 *h.* 321.331, \$25.
27 *i.* 321.332, \$25.
28 *j.* 321.397, \$25.
29 *k.* 321.434, \$25.
30 9A. *Electric personal assistive mobility device*
31 *violations.* For violations under section 321.235A, the
32 scheduled fine is fifteen dollars.
33 10. *School bus violations.*
34 *a.* For violations by an operator of a school bus
35 under sections 321.285 and 321.372, subsections 1 and
36 2, the scheduled fine is one hundred dollars. However,
37 an excessive speed violation by a school bus of more
38 than ten miles per hour in excess of the limit is not a
39 scheduled violation.
40 *b.* For a violation under section 321.372,
41 subsection 3, the scheduled fine is two hundred
42 dollars.
43 11. *Emergency vehicle violations.* For emergency
44 vehicle violations under the following sections, the
45 scheduled fine is as follows:
46 *a.* 321.231, \$100.
47 *b.* 321.323A, \$100.
48 *c.* 321.324, \$100.
49 *d.* 321.367, \$100.
50 *e.* 321.368, \$100.

1 12. *Restrictions on vehicles.*
2 a. For violations under sections 321.309, 321.310,
3 321.394, 321.461, and 321.462, the scheduled fine is
4 thirty-five dollars.
5 b. For violations under section 321.437, the
6 scheduled fine is thirty-five dollars.
7 c. For height, length, width, and load violations
8 under sections 321.454, 321.455, 321.456, 321.457, and
9 321.458, the scheduled fine is two hundred dollars.
10 d. For violations under section 321.466, the
11 scheduled fine is twenty dollars for each two thousand
12 pounds or fraction thereof of overweight.
13 e. (1) Violations of the schedule of axle
14 and tandem axle and gross or group of axle weight
15 violations in section 321.463 shall be scheduled
16 violations subject to the provisions, procedures, and
17 exceptions contained in sections 805.6 through 805.11,
18 irrespective of the amount of the fine under that
19 schedule.
20 (a) Violations of the schedule of weight violations
21 shall be chargeable, where the fine charged does not
22 exceed one thousand dollars, only by uniform citation
23 and complaint.
24 (b) Violations of the schedule of weight
25 violations, where the fine charged exceeds one
26 thousand dollars shall, when the violation is
27 admitted and section 805.9 applies, be chargeable
28 upon uniform citation and complaint, indictment, or
29 county attorney's information, but otherwise shall be
30 chargeable only upon indictment or county attorney's
31 information.
32 (2) In all cases of charges under the schedule of
33 weight violations, the charge shall specify the amount
34 of fine charged under the schedule. Where a defendant
35 is convicted and the fine under the foregoing schedule
36 of weight violations exceeds one thousand dollars, the
37 conviction shall be of an indictable offense although
38 section 805.9 is employed and whether the violation
39 is charged upon uniform citation and complaint,
40 indictment, or county attorney's information.
41 f. For a violation under section 321E.16, other
42 than the provisions relating to weight, the scheduled
43 fine is two hundred dollars.
44 13. *Motor carrier violations.*
45 a. (1) For a violation under section 321.54, the
46 scheduled fine is thirty dollars.
47 (2) For violations under sections 326.22 and
48 326.23, the scheduled fine is fifty dollars.
49 b. For a violation under section 321.449, the
50 scheduled fine is fifty dollars.

1 *c.* For violations under sections 321.364, 321.450,
2 321.460, and 452A.52, the scheduled fine is two hundred
3 dollars.
4 *d.* For violations of section 325A.3, subsection 5,
5 or section 325A.8, the scheduled fine is one hundred
6 dollars.
7 *e.* For violations of chapter 325A, other than a
8 violation of section 325A.3, subsection 5, or section
9 325A.8, the scheduled fine is two hundred fifty
10 dollars.
11 *f.* For failure to have proper carrier
12 identification markings under section 327B.1, the
13 scheduled fine is one hundred dollars.
14 *g.* For failure to have proper evidence of
15 interstate authority carried or displayed under section
16 327B.1, and for failure to register, carry, or display
17 evidence that interstate authority is not required
18 under section 327B.1, the scheduled fine is two hundred
19 fifty dollars.
20 14. *Miscellaneous violations.*
21 *a. Failure to obey a peace officer.* For a violation
22 under section 321.229, the scheduled fine is one
23 hundred dollars.
24 *b. Abandoning a motor vehicle.* For a violation
25 under section 321.91, the scheduled fine is two hundred
26 dollars.
27 *c. Seat belt or restraint violations.*
28 (1) For a violation under section 321.445, the
29 scheduled fine is fifty dollars.
30 (2) For a violation under section 321.446, the
31 scheduled violation is one hundred dollars.
32 *d. Litter and debris violations.* For violations
33 under sections 321.369 and 321.370, the scheduled fine
34 is seventy dollars.
35 *e. Open container violations.* For violations under
36 sections 321.284 and 321.284A, the scheduled fine is
37 two hundred dollars.
38 *f. Proof of financial responsibility.* If, in
39 connection with a motor vehicle accident, a person is
40 charged and found guilty of a violation of section
41 321.20B, subsection 1, the scheduled fine is five
42 hundred dollars; otherwise, the scheduled fine for
43 a violation of section 321.20B, subsection 1, is
44 two hundred fifty dollars. Notwithstanding section
45 805.12, fines collected pursuant to this paragraph
46 shall be submitted to the state court administrator and
47 distributed fifty percent to the victim compensation
48 fund established in section 915.94, twenty-five percent
49 to the county in which such fine is imposed, and
50 twenty-five percent to the general fund of the state.

1 *g. Radar-jamming devices.* For a violation under
2 section 321.232, the scheduled fine is one hundred
3 dollars.

4 *h. Railroad crossing violations.* For violations
5 under sections 321.341, 321.342, 321.343, and 321.344,
6 and 321.344B, the scheduled fine is two hundred
7 dollars.

8 *i. Road work zone violations.* The scheduled fine
9 for any moving traffic violation under chapter 321,
10 as provided in this section, shall be doubled if the
11 violation occurs within any road work zone, as defined
12 in section 321.1. However, notwithstanding subsection
13 5, the scheduled fine for violating the speed limit in
14 a road work zone is as follows:

15 (1) One hundred fifty dollars for speed not more
16 than ten miles per hour over the posted speed limit.

17 (2) Three hundred dollars for speed greater than
18 ten but not more than twenty miles per hour over the
19 posted speed limit.

20 (3) Five hundred dollars for speed greater than
21 twenty but not more than twenty-five miles per hour
22 over the posted speed limit.

23 (4) One thousand dollars for speed greater than
24 twenty-five miles per hour over the posted speed limit.

25 *j. Vehicle component parts records violations.* For
26 violations under section 321.95, the scheduled fine is
27 fifty dollars.>

28 2. Page 29, line 15, by striking <one hundred ten>
29 and inserting <~~one~~ two hundred>

30 3. Page 29, line 27, after <2011.> by inserting
31 <Of the moneys allocated for deposit into the victim
32 compensation fund pursuant to section 602.8108,
33 subsection 3, the state court administrator shall
34 allocate to the treasurer of state for deposit in the
35 public safety enforcement fund the first two hundred
36 thirty-five thousand dollars of the moneys received
37 during the fiscal year beginning July 1, 2010, and
38 ending June 30, 2011.>

39 4. By striking page 29, line 34, through page 30,
40 line 20, and inserting:

41 <a. To the department of corrections for
42 operations including but not limited to drug courts
43 and salaries and support for probation and parole
44 officers, \$837,810, and of the amount allocated in
45 this paragraph, \$402,810 shall be allocated by the
46 department of corrections to the sixth judicial
47 district department of correctional services, \$335,000
48 shall be allocated to the fifth judicial district
49 department of correctional services, and \$100,000 shall
50 be allocated to the first judicial district department

1 of correctional services.

2 b. To the department of corrections for salaries
3 and support for correctional officers, \$2,497,190, and
4 of the amount allocated in this paragraph, \$1,451,000
5 shall be allocated by the department of corrections
6 for the operation of the Fort Madison correctional
7 facility, \$846,190 shall be allocated for the operation
8 of the Luster Heights facility, and \$200,000 shall be
9 allocated for the operation of the Anamosa correctional
10 facility.

11 c. To the department of public safety, \$150,000,
12 for costs associated with the training and equipment
13 needs of volunteer fire fighters.

14 d. To the department of public safety for salaries
15 and support for sworn peace officers of the state
16 patrol, \$300,000.

17 e. To the Iowa civil rights commission, \$100,000.

18 f. To the judicial branch, \$5,300,000.

19 g. To the department of justice for salaries and
20 support, \$150,000.

21 3. Moneys remaining in the fund at or after the
22 close of the fiscal year shall revert to the general
23 fund of the state.

24 4. This section is repealed June 30, 2011.>

25 5. Page 33, before line 21 by inserting:

26 <Sec. _____. Section 321.174, subsection 1, Code
27 2009, is amended to read as follows:

28 1. a. A person, except those expressly exempted,
29 shall not operate any motor vehicle upon a highway in
30 this state unless the person has a driver's license
31 issued by the department valid for the vehicle's
32 operation.

33 b. A moving traffic violation does not include a
34 violation of this subsection.

35 Sec. _____. Section 321.210, subsection 2, paragraph
36 d, Code 2009, is amended to read as follows:

37 d. The first two speeding violations within any
38 twelve-month period of ten miles per hour or less over
39 the legal speed limit in speed zones having a legal
40 speed limit between thirty-four miles per hour and
41 ~~fifty-six~~ sixty-one miles per hour.

42 Sec. _____. Section 516B.3, subsection 1, Code 2009,
43 is amended to read as follows:

44 1. The commissioner shall require that insurance
45 companies transacting business in this state not
46 consider speeding violations occurring on or after
47 July 1, 1986, but before May 12, 1987, which are for
48 speeding violations for ten miles per hour or less
49 over the legal speed limit in speed zones that have a
50 legal speed limit greater than thirty-five miles per

1 hour or speeding violations occurring on or after May
2 12, 1987, which are for speeding violations for ten
3 miles per hour or less over the legal speed limit in
4 speed zones that have a legal speed limit equal to or
5 greater than thirty-five miles per hour but not greater
6 than ~~fifty-five~~ sixty miles per hour for the purpose
7 of establishing rates for motor vehicle insurance
8 charged by the insurer and shall require that insurance
9 companies not cancel or refuse to renew any such policy
10 for such violations. In any twelve-month period, this
11 section applies only to the first two such violations
12 which occur.>
13 6. Title page, line 2, by striking <providing for>
14 and inserting <modifying certain traffic offenses,>